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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANSFIELD, THOMAS L

ART UNIT	PAPER NUMBER
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3624

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,370	Applicant(s) BERINGER, JOERG	
	Examiner THOMAS MANSFIELD	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-19 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-19, 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments

1. This Continued Examination Office Action is in reply to the Request for Continued Examination filed on 6 April 2009.
2. Claims 7, 8, 10, 14, 18, and 33 have been amended.
3. Claim 37 is new and has been added.
4. Claims 7-19 and 33-37 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6 April 2009 has been entered.

Response to Amendment

6. In the previous office action, Claims 7-19 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claims 7-19 have been amended to recite statutory subject matter and the rejection is **withdrawn**.

Response to Arguments

7. Applicant's arguments filed 6 April 2009 have been fully considered but they are not persuasive.
8. Applicant submits that Dalby et al. (Dalby) (U.S. 7,133,901 does not teach or suggest in amended Claim 7: *(1) receiving, based on the message, a characteristic identifying a first subgroup of selected participants in an enterprise, wherein receiving the characteristic comprises extracting the characteristic from the message based on at least one of a keyword search, natural language parsing and application of a rule-based expert system* [see Remarks page 12, second paragraph].
9. With regard to argument (1), the Examiner respectfully disagrees. Dalby teaches *receiving, based on the message* (notifying message), *a characteristic* (criteria attribute, recipient attributes) *identifying a first subgroup of selected participants* (first group of matched recipients) *in an enterprise, wherein receiving the characteristic comprises extracting the characteristic from the message based on at least one of a keyword search* (simple keyword search, LDAP queries, SQL queries, BOOLEAN), *natural language parsing and application of a rule-based expert system* (see at least column 7, lines 55-66, column 8, lines 62-66, column 9, line 42 through column 10, line 26, column 12, line 57 through column 13, line 34, column 15, line 32 through column 16, line 34, and FIG.'s 5 and 6).

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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11. Claims 7-19 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalby et al. (Dalby) (U.S. 7,133,901).

With regard to Claims 7 and 33, Dalby teaches a computer-implemented method and device:

- *a participant description database identifying participants and describing the participants' participation in an enterprise* (members of community information system **300**) (see at least column 11, line 4 through column 12, line 64);
- *a data processing system* (message module **324**) *configured to perform processing activities, the activities including* (receive the announcement) (see at least column 11, line 4 through column 12, line 64):
 - *receiving, using a processor* (community information system 208), *a message from a user* (message recipient) (see at least column 12, line 57 through column 13, line 34);
 - *receiving, based on the message* (notifying message), *a characteristic* (role, criteria attribute, recipient attributes) *identifying a first subgroup of selected participants* (first group of matched recipients) *in an enterprise* (community), *wherein receiving the characteristic comprises extracting the characteristic from the message based on at least one of a keyword search* (simple keyword search, LDAP queries, SQL queries, BOOLEAN), *natural language parsing and application of a rule-based expert system* (see at least column 7, lines 55-66, column 8, lines 62-66, column 9, line 42 through column 10, line 26, column 12, line 57 through column 13, line 34, column 15, line 32 through column 16, line 34, and FIG.'s 5 and 6);
 - *receiving a specification* (academic specific attributes) *of the characteristic, the specification delineating a second subgroup of participants* (gender, grade-point average, full-time or part-time, second matched group) *within the first subgroup*

(first group), *the specification added to the set of machine-readable instructions* (see at least column 10, lines 14-26 and column 13, lines 1-6);

- *managing, using a processor, communications with the second subgroup based upon the characteristic and the specification of the characteristic* (communicate with integration module **320** to generate an announcement to be delivered to a specific recipient or group of recipients) (see at least column 10, lines 27-47).

With regard to Claim 8, Dalby teaches *wherein the specification assigned to the characteristic to customize the set of machine-readable instructions to the enterprise* (target criteria can be one or more attributes selected from those contained or included in the user or recipient's account) (see at least column 12, lines 33-56).

With regard to Claim 9, Dalby teaches *wherein receiving the specification of the characteristic comprises receiving a specification particular to the characteristic* (Operators can be used to combine the defined criteria to form the target criteria attribute) (see at least column 12, line 57 through column 13, line 6).

With regard to Claim 10, Dalby teaches *wherein receiving the characteristic identifying the first subgroup comprises extracting a domain from the message* (process continues until the nth criterion is searched and an nth matched group is defined) *identifying the first subgroup based on the nature and type of the first subgroup's participation in the enterprise* (defines which recipient or groups of recipients are to receive the announcement, position within the organization, department, job description) (see at least column 12, line 33 through column 13, line 67).

With regard to Claim 11, Dalby teaches *wherein receiving the characteristic identifying the first subgroup comprises receiving a selection from amongst a collection of*

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potential characteristics (compared against a database of recipient attributes) (see at least column 12, lines 66-67).

With regard to Claim 12, Dalby teaches *further comprising presenting an inventory of specifications of the characteristic to a participant* (An individual through a graphical user interface creates this target criteria attribute fro selectable target criteria) (see at least column 12, lines 33-49).

With regard to Claim 13, Dalby teaches *associating a plurality of participant characteristics with each of a plurality of participants in the enterprise, subgroups of the plurality of participants sharing common characteristics* (continues until the nth criterion is searched and an nth matched group is defined) (see at least column 13, lines 2-5).

With regard to Claim 14, Dalby teaches *wherein associating the plurality of participant characteristics with each of the plurality of participants comprises associating a plurality of attribute values with each of the plurality of participants* (continues until the nth criterion is searched and an nth matched group is defined) (see at least column 13, lines 2-5).

With regard to Claim 15, Dalby teaches *wherein managing communications comprises establishing a contact list of the participants in the second subgroup* (potential recipient lists and associated attributes) (see at least column 14, lines 53-65).

With regard to Claim 16 Dalby teaches *wherein establishing the contact list comprises dynamically establishing the contact list for a particular message* (message module **324** can either return a list of potential matches to administrator **310**) (see at least column 15, lines 53-62).

With regard to Claim 17, Dalby teaches *receiving a border* (nth criterion) *identifying a third subgroup of the second subgroup of selected participants, the border drawn from a second characteristic hard-coded into a set of machine-readable instructions* (see at least column 13, lines 2-5).

With regard to Claim 18, Dalby teaches *identifying managed communications by one or more of the characteristic and the specification of the characteristic rather than the border* (the manner by which the announcement can be delivered) (see at least column 13, lines 52-67).

With regard to Claim 19, Dalby teaches:

- *receiving a role of a participant within the second subgroup* (see at least column 10, lines 6-13)
- *excluding the participant from communications within the second subgroup based on the role* (targeting criteria defining the recipient or group of recipients to receive the announcements) (see at least column 10, lines 36-47).

With regard to Claim 34, Dalby teaches *wherein the participant description database* (database **306**) *includes a participant object identifying a particular participant ("role") and describing the particular participant's participation* (academic specific attribute) in an enterprise (see at least column 9, line 64 through column 10, line 26).

With regard to Claim 35, Dalby teaches *wherein the participant object includes information describing a qualification* (group memberships, academic major and minor, roles) *of the particular participant* (see at least column 10, lines 14-26).

With regard to Claim 36, Dalby teaches *wherein the data processing system (community information system 300) is also configured to perform activities including receiving the specification that is particular to the characteristic (storing information)* (see at least column 9, lines 9-41).

With regard to Claim 37, Dalby teaches *providing machine-readable instructions for presenting a collection of potential specifications of the characteristic to a user to further delineate the first subgroup into a second subgroup (A second criterion is searched in this first group of matched recipients to create a second matched group)* (see at least column 13, lines 1-5).

Conclusion

12. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Neale et al. (U.S. 6,925,608) discloses a graphical user interface for building Boolean queries and viewing search results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3624

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 3624